



# Flathead County

## Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210

DEC 31 2015

### PETITION FOR ZONING AMENDMENT

*Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.*

#### APPLICANT/OWNER:

FEE ATTACHED \$ \_\_\_\_\_

1. Name: Winter Park Ventures Phone: 407/766-0023
2. Mail Address: C/O Jan and Bob Parker, PO Box 1028
3. City/State/Zip: Winter Park, FL 32790
4. Interest in property: Owners

Check which applies:



Map Amendment



Text Amendment:

#### TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: Sands Surveying, Inc. Erica Wirtala, Planner Phone: 406/755-6481  
Mailing Address: 2 Village Loop  
City, State, Zip: Kalispell, MT 59901  
Email: erica@sandssurveying.com

**IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:**

- A. What is the proposed zoning text/map amendment?

**IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:**

- A. Address of the property: This portion of the property is not addressed at this time.

- B. Legal Description: Lot 2 of COS 17246 aka Lot 2 of Amended Patterson Tracts  
(Lot/Block of Subdivision or Tract #)

12 - 29N - 22W  
Section Township Range (Attach sheet for metes and bounds)

- C. Total acreage: 37.633

- D. Zoning District: Highway 93 North

- E. The present zoning of the above property is: SAG-5

- F. The proposed zoning of the above property is: B-3

- G. State the changed or changing conditions that make the proposed amendment necessary: The owners of the property would like to supplement the arena's facilities with complementary uses such as a restaurant, a hotel and additional signage.

has functioned for twelve years under this limitation, and it has become a safety hazard as well as limiting to marketing events and identifying the site. There are no plans for changing the existing use or function of the property at this time.

**THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.**

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
  - a. Secure safety from fire and other dangers?
  - b. Promote public health, public safety and the general welfare?
  - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
  - a. The reasonable provision of adequate light and air?
  - b. The effect on motorized and non-motorized transportation systems?
  - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
  - d. The character of the district and its peculiar suitability for particular uses?
  - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

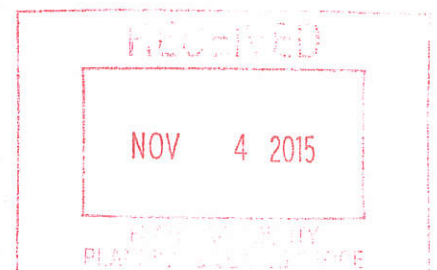
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*The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.*

Owner/Applicant Signature(s)

Date

*(See attached signed version)*



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Date  
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11-4-15

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1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?

*The subject property of the proposed zoning map amendment falls within the Riverdale Neighborhood Plan, which is included within the Flathead Growth Policy. The parcel of land where the arena and associated buildings are located is designated on "Riverdale Existing Land Types" (Map 2) as "Commercial". The subject parcels directly to the north and south of the arena, and under the same ownership, are designated as "Agriculture" as they serve as pasture land for the main facility. There is also a caretaker's residence and a covered pavilion that is rented out for special occasions on the parcel to the south. The Riverdale Neighborhood Plan then goes on to note on Map 9 "Future Land Uses" that these three properties are designated for future "Mixed Use". The Riverdale Land Use Category defines Mixed Use as "intended to provide flexibility in design and to promote a mix of commercial and housing options. This category permits retail and general commercial uses that serve the broader community and tourist economy. Mixed residential-commercial uses where the commercial portion is compatible with the residential is appropriate. This category permits a range of commercial development such as hotels, banks, restaurants, professional office centers and a mix of residential use including apartment complexes, single-family attached and detached, duplexes, town homes and accessory apartments at an average density of six d/u per acre. Commercial developments should be configured as centers or nodes. As this proposal is a zoning map amendment only, there are no development plans at this time. Should the owners (or future developers) of the property decide to pursue the hotel/restaurant component to the facility, a PUD overlay will be submitted. The B-3 Community Business zone's definition reads: "A business district to provide areas for the development of congregated community shopping areas, to serve the range of a number of neighborhoods of a major segment of the Planning Area. This district should be a business center and not a strip development." The City of Kalispell often designates commercial "nodes" at major intersections of county roads/highways. As this property is directly adjacent to a major highway and a cloverleaf interchange, this is an ideal "commercial node". The commercial activities would be central to the arena, its functions and its clientele. It would not become a strip development. It also allows the residential components required by the "Mixed Use" designation of the Riverdale Plan as accessory apartments are a permitted use in the B-3, and duplexes, multi-family, resort and mixed-use buildings are allowed as Conditional Uses.*

When submitting a PUD, the base zoning is considered first, and in the case of a PUD in a Commercial/Industrial Mixed Use zoned area, the Flathead County Zoning Regulations note: "The uses appropriate to a Mixed Use PUD shall be determined by the County Commissioners on the basis of (a) their compatibility with the surrounding land uses and (b) their compatibility with one another." This is a bit of an unusual situation that the Commissioners would be determining compatibility on a case by case basis, but in the case of the Majestic Valley Arena, should the owners decide to move forward with further development plans, residential housing based on the proximity of an arena might have the same appeal to some as much as those who prefer to live on a golf course or near a marina. There are also long-range plans by the applicant to perhaps build a retreat/lodge facility on the northern portion of the arena property to allow guests to participate in week-long clinics, classes and ranch-stays.

Furthermore, there are Goals and Policies from Section II of the Riverdale Neighborhood Plan that support this zone change application. Policy A1 reads: "Encourage growth and development patterns to take advantage of existing and expanding infrastructure while protecting natural amenities and resources." Encouraging the growth and development of the Majestic site versus not letting it live up to its fullest potential, by the nature that the facility has thrived and succeeded for twelve years bringing thousands of dollars into the Valley with their competitors/performers spending money at local hotels, restaurants, gas stations, bars and retail establishments, takes advantage of existing infrastructure and improvements. Please note the attached letter from the previous Kalispell City Manager, Jane Howington, allowing for this property to utilize existing sewer and water stub outs that have been extended under Church Drive to the arena property line. Goal 3 notes that "General commercial development sustains the viability of business operations within the Highway 93 corridor". Policy 7.7 reads: "Requests for zone changes appropriate for the mixed-use land use area will be considered if accompanied with a request for a PUD. Once approved, the PUD Overlay will become the permanent zoning district." As this request for new development is still in its very preliminary stages, there is no PUD Overlay coming with this application. The arena has been in place for 12 years and there are no plans to change its current use and function. Any additional construction would be supplementary to the arena. Should plans for development materialize, a PUD/preliminary plat application will be submitted for consideration.

Is the proposed amendment designed to:

- a. Secure safety from fire and other dangers? *The property is located within the West Valley Volunteer Fire District, which has two stations located off of Farm to Market Road and an additional station on Whitefish Stage, near the intersection with Tronstad Road. All are within a few miles' drive of the subject property. There is a fire station planned but not yet constructed at this time, within the Stillwater development, which is also just moments away in response time, and the City of Kalispell has a station located on Reserve Loop, near the Costco building. There is a reciprocal response agreement in place between the city and rural departments should the need arise. The subject properties are generally flat, or gently rolling, and are devoid of significant timber. The barn and arena are equipped with fire sprinkler systems. There is a small area designated as floodplain on the northernmost parcel, however, this land is utilized as pasture, so there is no danger to the public when the area is inundated. Slumping and avalanche danger is minimal as there is no steep slope on the properties.*
- b. Promote public health, public safety and the general welfare: *There are paved state highways and paved county roads that access the subject properties, allowing for fire, ambulance, police, mail and other services to the property safely. There are five approved access locations from MDOT and the Flathead County Road and Bridge, however, only three are fully developed at this time. Emergency services are in the immediate area and have adequate response times.*

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- c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements? *As noted above, there is a network of county paved and state highway roads that access the subject properties (Church Drive and Highway 93). Should the property owner decide to pursue additional development (i.e., subdivision or additional commercial development), they would have to work with MDT to secure a "change of use" permit. Soils are compatible with those required for proper functioning of individual septic systems, and the existing structures utilize a well and septic system currently. There appears to be an adequate supply of water resources to access for individual wells. Additionally, when the extension of the public water and sewer facilities were completed at Silverbrook, the infrastructure was stubbed out at the property line of the subject properties. According to the owner of the properties, there is a letter issued from the City of Kalispell that would allow them use of the water and sewer lines should the need arise. Soils exist on the properties that are conducive to the construction of buildings and driveways. The subject properties lie within the Whitefish School District, which has just undergone some significant expansions/upgrades to their High School and Middle School, however, as this is a commercial application, there would be no school-age children impacting the District. Tax revenues generated as a result of the commercial enterprise would be directed into the Whitefish School System. There are no publically owned/ maintained parks within the Riverdale Plan or in the general area, however, the very nature of the land within the vicinity is open rural landscape. At some point a bike path will connect Whitefish to Kalispell will be completed and allow walkers and bikers the ability to shop and recreate without getting into their car first. The easement for such a bike path would be considered upon any future development of the Majestic Valley Arena site.*

2. Does the proposed amendment consider:

- a. The reasonable provision of adequate light and air? *The proposed zone change is from a five acre minimum lot size to no minimum lot size, however, yard requirements apply. As the use of the facility is not intended to change, no overcrowding of the land is anticipated. The livestock for various events are moved in and out of the property as needed and a pasture component will always be needed for a facility holding horse-based events such as this. Pastureland, zoning-mandated setbacks and height restrictions as well as the need for roadways/infrastructure will ensure adequate light and air for future use. This is not being proposed for residential development, at this time only a caretaker lives on the property. Residential development is encouraged in this "Mixed Use" designation, and several dwelling types are allowed in the B-3 zone as permitted and conditional uses.*

- b. The effect on motorized and non-motorized transportation systems? *Majestic Valley Arena's property encompasses approximately 134 acres comprised of three parcels of land. The northernmost parcel is strictly pastureland for livestock, the southernmost parcel is pastureland, but also has a caretaker's residence on it and an outdoor pavilion for rent. The remaining land is the middle parcel is where the barns, pastures and arena have sat for 12 years. MDOT has granted the properties five access locations, although at this time, only three are being utilized. There is an approach on Church Drive, a main entrance and an exit on the arena property. Two approaches have not been developed at this time. Signage is needed on the main (middle) parcel that fronts the highway to alert drivers where the entrance to the facility sits. This is especially vital to drivers coming from the north and need to slow considerably before making the hard turn into the arena. A deceleration lane is sorely needed as trucks pulling loaded livestock trailers must come to very slow speeds to make the turn. Drivers coming from the south have a left hand turn lane that they can utilize, however, there is very little indication on the highway as to where the entrance to the facility lies. As Majestic Valley Arena has been functioning for twelve years now, traffic patterns have been established and are not anticipated to vary much in the future, albeit safer and less turn-arounds! At this time, there is not a bike path on the property but should the arena develop further, an easement for the bike path would be set aside for such a use.*
- c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities? *The Kalispell Annexation Boundary is in close proximity to the boundaries of the Riverdale Plan, (all the land south of Church Drive) which indicates that Kalispell does not have the political will nor infrastructure resources to venture further out in the county. Kalispell has supported denser residential areas that have a commercial component within their Master Plan right up to the subject property boundary (Silverbrook). The subject property is outside of those Master Plan boundaries including the boundary of their Annexation Policy. Kalispell has no reason not to support an existing commercial enterprise on a private septic system and well if the property is outside of their planning jurisdiction. In 2011, the applicants did approach the City of Kalispell to see if an annexation would be possible and they were turned down. The City did say (see attached letter) that perhaps an Annexation District could be developed where the subject parcel utilized only a few city-provided services (sewer and water), but did not come fully into the City. These properties are not within the newly acquired "doughnut" area of Flathead County jurisdiction.*
- d. The character of the district and its peculiar suitability for particular uses? *Yes, for all of the reasons noted above; the existing and future use of the property, the landscape, soils, water availability, location to emergency services, schools, public roads & highways and public demand, this proposal is within the character of the district and for twelve years has been well-suited for a commercial zoning designation. There appears to be a market demand for this type of facility and the Riverdale Master Plan has anticipated this use.*

- e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area? *Yes, by approving this zone change proposal, the value of the existing buildings will be preserved. The proposal is consistent with the surrounding neighborhood and will be a benefit to the community. The Riverdale Plan supported and encouraged just this type of project.*
- 3. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities? *The City of Kalispell has a B-1 zone that is very similar to that of the County B-3 zoning designation. The City of Whitefish does have a WB-3 zone, which allows for most general business operations, including restaurants and hotels as a permitted use. The County, Kalispell and Whitefish all have fairly similar uses and standards for their B-3 (B-1, WB-3) zones and it appears that the proposed zoning map amendment is not contradictory to either of the nearby municipalities zoning regulations.*